

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD KELTER, individually and as Trustee of the  
RICHARD KELTER TRUST dated June 30, 2004,

Plaintiff,

- against-

APEX EQUITY OPTIONS FUND, LP, APEX EQUITY  
MANAGEMENT, LLC, KYLE J. THOMPSON, COREY  
H. THOMPSON, THOMPSON CONSULTING, INC.,  
SHERWOOD FINANCIAL, INC., E. SHERMAN  
WARNER, M&K HOLDINGS, LLC, MICHAEL T.  
MORLEY, KRYSTIN P. MORLEY, and WILLOWBEND  
PROPERTY COMPANY, LLC,

Defendants.

08 Civ. 02911 (NRB) (ECF)

**NOTICE OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE**

*To the above-named Plaintiff:*

PLEASE TAKE NOTICE THAT, pursuant to Rule 1.3(c) of the Local Rules of  
the United States District Courts for the Southern and Eastern Districts of New York, Robert J.  
Anello, a member in good standing of the bar of this Court, hereby moves for an Order allowing  
the admission *pro hac vice* of:

Christopher C. Zenisek  
Brownstein Hyatt Farber Schreck, LLP  
410 17th Street, Suite 2200  
Denver, CO 80202-4437  
Phone: (303) 223-1100  
Fax: (303) 223-1111  
E-mail: czenisek@bhfs.com

Mr. Zenisek is a member in good standing of the bar of the State of Colorado.

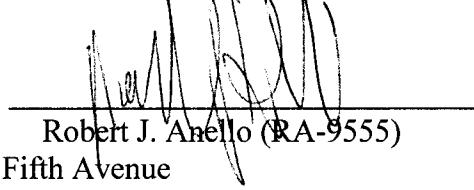
There are no pending disciplinary proceedings against him.

Dated: June 6, 2008  
New York, New York

2008-06-06 JUN 06 2008

PL 925-653241

MORVILLO, ABRAMOWITZ, GRAND,  
IASON, ANELLO & BONRER, P.C.

By: 

Robert J. Anello (RA-9555)

565 Fifth Avenue  
New York, New York 10017  
Phone: (212) 856-9600  
Fax: (212) 856-9494  
E-mail: ranello@maglaw.com

*Attorneys for Defendants Apex Equity Options Fund, LP,  
Apex Equity Management, LLC, Kyle J. Thompson,  
Corey H. Thompson, Thompson Consulting, Inc., and  
Sherwood Financial, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD KELTER, individually and as Trustee of the  
RICHARD KELTER TRUST dated June 30, 2004,

Plaintiff,

08 Civ. 02911 (NRB) (ECF)

- against-

APEX EQUITY OPTIONS FUND, LP, APEX EQUITY MANAGEMENT, LLC, KYLE J. THOMPSON, COREY H. THOMPSON, THOMPSON CONSULTING, INC., SHERWOOD FINANCIAL, INC., E. SHERMAN WARNER, M&K HOLDINGS, LLC, MICHAEL T. MORLEY, KRYSTIN P. MORLEY, and WILLOWBEND PROPERTY COMPANY, LLC,

## Defendants.

**AFFIDAVIT OF  
ROBERT J. ANELLO IN  
SUPPORT OF MOTION TO  
ADMIT CHRISTOPHER C.  
ZENISEK PRO HAC VICE**

STATE OF NEW YORK )  
 )  
COUNTY OF NEW YORK )

ROBERT J. ANELLO, being duly sworn, deposes and says:

1. I am a principal of the firm of Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, P.C., counsel for defendants Apex Equity Options Fund, LP, Apex Equity Management, LLC, Kyle J. Thompson, Corey H. Thompson, Thompson Consulting, Inc., and Sherwood Financial, Inc. in the above-captioned action. I am familiar with the proceedings in this case. I make this statement in support of the referenced defendants' motion to admit Christopher C. Zenisek as counsel *pro hac vice* to represent them in this action.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1981. I am also admitted to the bar of the

United States District Court for the Southern District of New York, and am in good standing with this Court.

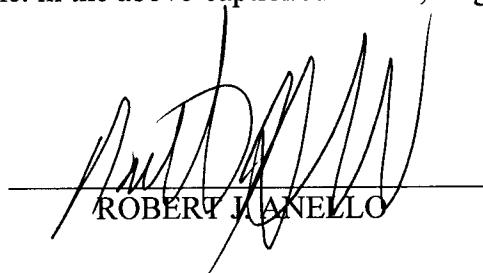
3. Mr. Zenisek is an attorney associated with the firm of Brownstein Hyatt Farber Schreck, LLP, in Denver, Colorado. He is a member in good standing of the bar of the State of Colorado. A Certificate of Good Standing from the State of Colorado, issued within 30 days of the date hereof, is attached hereto as exhibit A.

4. I am informed and believe that Mr. Zenisek is a skilled attorney and a person of integrity, who is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.

5. Accordingly, I am pleased to move the admission of Christopher C. Zenisek, *pro hac vice*.

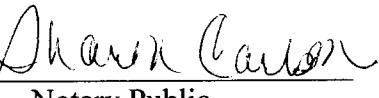
6. I respectfully submit a proposed Order granting the admission of Mr. Zenisek, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Christopher C. Zenisek, *pro hac vice*, to represent defendants Apex Equity Options Fund, LP, Apex Equity Management, LLC, Kyle J. Thompson, Corey H. Thompson, Thompson Consulting, Inc., and Sherwood Financial, Inc. in the above-captioned matter, be granted.



ROBERT J. ANELLO

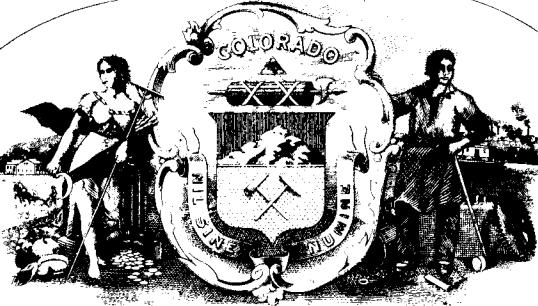
Sworn to before me this  
5<sup>th</sup> day of June, 2008



SHARON CARLSON

Notary Public  
SHARON CARLSON  
Notary Public, State of New York  
No. 01CA4778310  
Qualified in Orange County  
Commission Expires June 12, 2010

# SUPREME COURT



## State of Colorado,

STATE OF COLORADO, ss:

I, Susan J. Festag Clerk of the Supreme Court of the State of Colorado, do hereby certify that

**JOHN VINCENT MCDERMOTT**

has been duly licensed and admitted to practice as an

**ATTORNEY AND COUNSELOR AT LAW**

within this State; and that his/her name appears upon the Roll of Attorneys  
14<sup>th</sup>  
and Counselors at Law in my office of date the \_\_\_\_\_

day of May A. D. 1982 and that at the date hereof

**JOHN VINCENT MCDERMOTT**

is in good standing at this Bar.

IN WITNESS WHEREOF, I have hereunto subscribed my name and  
affixed the Seal of said Supreme Court, at Denver, in said State, this

30<sup>th</sup>

day of May

A. D. 2008

**Susan J. Festag**



Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD KELTER, individually and as Trustee of the  
RICHARD KELTER TRUST dated June 30, 2004,

Plaintiff,

- against-

APEX EQUITY OPTIONS FUND, LP, APEX EQUITY  
MANAGEMENT, LLC, KYLE J. THOMPSON, COREY  
H. THOMPSON, THOMPSON CONSULTING, INC.,  
SHERWOOD FINANCIAL, INC., E. SHERMAN  
WARNER, M&K HOLDINGS, LLC, MICHAEL T.  
MORLEY, KRYSSTIN P. MORLEY, and WILLOWBEND  
PROPERTY COMPANY, LLC,

Defendants.

08 Civ. 02911 (NRB) (ECF)

**ORDER FOR ADMISSION  
OF COUNSEL PRO HAC VICE**

Upon the motion of Robert J. Anello, attorney for defendants Apex Equity Options Fund, LP, Apex Equity Management, LLC, Kyle J. Thompson, Corey H. Thompson, Thompson Consulting, Inc., and Sherwood Financial, Inc., and said sponsor attorney's affidavit in support, with the exhibits thereto,

IT IS HEREBY ORDERED that:

Christopher C. Zenisek  
Brownstein Hyatt Farber Schreck, LLP  
410 17th Street, Suite 2200  
Denver, CO 80202-4437  
Phone: (303) 223-1100  
Fax: (303) 223-1111  
E-mail: [czenisek@bhfs.com](mailto:czenisek@bhfs.com)

is admitted to practice *pro hac vice* as counsel for defendants Apex Equity Options Fund, LP, Apex Equity Management, LLC, Kyle J. Thompson, Corey H. Thompson, Thompson

Consulting, Inc., and Sherwood Financial, Inc., in the above-captioned case in the United States District Court for the Southern District of New York.

All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys.

Counsel shall apply immediately for a password for the Court's Electronic Case Filing system and shall forward the *pro hac vice* fee to the Clerk of the Court.

IT IS SO ORDERED this \_\_\_\_ day of June, 2008

---

Naomi R. Buchwald, U.S.D.J.

**CERTIFICATE OF SERVICE**

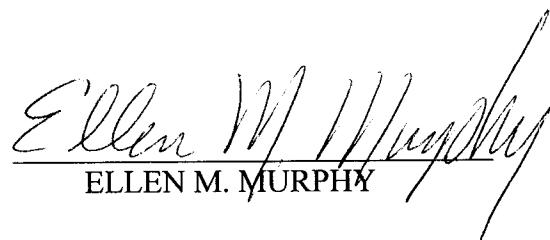
I hereby certify that, on June 6, 2008, I caused a copy of the foregoing Notice of Motion to Admit Counsel Pro Hac Vice, with the Supporting Affidavit of Robert J. Anello and the exhibits thereto (the "Motion"), to be sent via U.S. Mail first class, postage-prepaid, to plaintiff's counsel of record:

Kevin W. Goering, Esq.  
Bardia Bakhtari, Esq.  
Sheppard, Mullin, Richter & Hampton, LLP  
30 Rockefeller Plaza  
New York, NY 10112  
[bbakhtari@sheppardmullin.com](mailto:bbakhtari@sheppardmullin.com)  
[kgoering@sheppardmullin.com](mailto:kgoering@sheppardmullin.com)

Lee R. Goldberg, Esq.  
Law Offices of Lee R. Goldberg  
23272 Mill Creek Drive, Suite 360-W  
Laguna Hills, CA 92653

In addition, also on June 6, 2008, I caused a copy of the Motion to be sent via e-mail to Messrs. Goering and Bakhtari at the e-mail addresses indicated above.

Dated: New York, New York  
June 6, 2008

  
ELLEN M. MURPHY